

HOUSE BILL 1495

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 4, Part 1, relative to divorce.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-121, is amended by inserting the following as a new subsection thereto:

(h)

(1) Notwithstanding any provision of law to the contrary, the court may award appropriate damages to a spouse, to be taken from the marital property, for pain and suffering, for alienation of affection, or for punitive damages if the spouse requesting such damages has proven by clear and convincing evidence that within one (1) year prior to the time the divorce petition was filed the other spouse committed adultery, abandoned the spouse, or subjected the spouse to physical abuse.

(2) The court shall not award the damages specified in subdivision (1) unless the spouse requesting such damages has also proven by a preponderance of the evidence that within one (1) year prior to the time the divorce petition was filed the spouse requesting such damages did not commit adultery, abandon the other spouse, or subject the other spouse to physical abuse.

(3) It is the intent of the general assembly that these damages, which are based in actions for tort rather than contract, shall be available notwithstanding any agreement between the parties to the contrary, including any prenuptial

agreement, antenuptial agreement, or any other agreement regarding the division of marital property.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.